VITAL STATISTICS-OCT. 28.

Marriage Licenses. dichael Phelan and Mary Haley. ohn Henry Orr and Della May Hickman. P. Jungelaus and Laura P. Hauss. P. Irwin and Bertha R. Wagner. Edward McConnell and Ida Lynch. Carl S. Jacobeen and Gina Christian. Robert V. Kyle and Minnie E. Schowe. A. Johnson and Effic Eastes. eseph S. Abbott and Mary Miller. outs F. Christensen and Emma E. Miller, harles Thomas Hanna and May Lillian Co Thomas Hanna and May Lillian Coots orge McMann and Lillie Seymour John J. Gilbert and Cora Thompson. Cluxton and Ocenia Williams. ewis Coleman Mayhall and Cora Castetter. awrence Newman and Margaret Mabel Foster. Alba L. Walton and Bertha E. Bay. Marion E. Turner and Annie B. Suiter. John M. Bais and Sophrona A. Miller.

Births.

Frank and Mattie Hartsook, 414 Fulton street, ames and Deila Classick, 1516 West Ohio

Okey and Luiu Dunn, city, girl.
Jacob and Nellie Surgas, city, girl.
Louis and Mary Haerges, city, boy.
Henry and Martha Volker, city, girl. Samuel and Fannie Holder, city, girl. Charles and Grace Baker, city, boy. Virgin and Bertha Hyatt, 1210 La Grande ave

Charles and Augella Brockway, 1627 Massa-Arthur and Dalsy Tuspin, 1417 East Twelfth Patrick and Mary Cassity, girl. Fred and Lulu Mortonx, 322 Hamilton avenue. naries and Anna Flora, 8 Wolcott street, girl.

Deaths. andrew Sweeney, 1820 South Meridian street eighteen months, broncho-pneumonia. wel Elliott, City Hospital, aged fifty-nine Mary Kernan, 815 Woodlawn avenue, aged sev-Nicholas McGinnis, 820 Fayette street, aged eventy-three, congestion of lungs.

H. E. Klinge, 1811 Ringold street, aged nine

DIED.

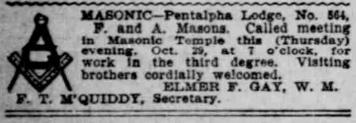
MARTIN-Stephen Cotter, son of Patrick J. and Mary Cotter Martin, at 3:15 Wednesday morning. Oct. 28, 1902, aged five years, two months and thirteen days. Funeral Friday afternoon at 2:20 from family residence, 1819 North Illinois

MEUSER-Lena, wife of Robert Meuser, 919 Chadwick street. Puneral notice in evening

MONUMENTS.

Tel. 2525. Branch works E. entrance Crown Hill Washington st. New 'Phone 2418. 241 West

SOCIETY MEETING.



FUNERAL DIRECTORS.

TUTEWILER & SON, ndertakers, 129 W. Market st. Tel. 216. ADAMS & KRIEGER. Funeral directors, 159 N. Ill. Lady attendant. JOHNSON, HASSLER & GEORGE, 357 Massa-FRANK A. BLANCHARD, Undertaker, 153 N.

WANTED-MALE HELP.

WANTED-Partner, with \$200 or less, as work-man or traveler; good pay; permanent posi-tion. SOMA CO., Terre Haute, Ind. WANTED-For U. S. army, able-bodied, unmarnited States, of good character and temperate abits, who can speak, read and write English, or information apply to Recruiting Officer, 25 orth Illinois st., Indianapolis, Ind. WANTED-There are a few vacancies to be filled by energetic Catholic men and women; permanent and profitable employment by a reliable concern that gives the best bank references; applicants must give reference. Address GEN-ERAL MANAGER, Box 588, Cincinnati, O.

WANTED-First-class canvassers; salary guarinteed; \$15 per week; rapid advancement to caable men. Apply, between 4 and 6, 47 Monu-sent place. G. H. SPENCER.

WARTED-Boys to work up Sunday Journal routes. Two cents' profit on every paper sold legular customers are easily obtained since the wo-colored supplements have been added. One cur-page comic and one four-page home supple-cent—twice as many pages in color as any other Indianapolis paper furnishes. 36 to 40 pages

Papers can be bought at the office or from any the following substations:

Bassett, 304 Massachusetts av.

Hoshour, 22d and College av.

Scott, 16th and Illinois sts. loval, 1612 E. Washington. Vail, 1044 Virginia av. Neff, 1339 Sheloy.

Valcott. New York and Bright. J. K. Stewart, 2233 E. 10th. ey will be refunded for unsold papers r

WANTED-FEMALE HELP.

WANTED-Diseases of women successfully treated by DR. BULA, No. 157 North Illinois at Consultation free and confidential.

NOTICE.

NOTICE-POWELL, the printer, 18 West Market mercial job printing. PH GARDNER, 38 Kentucky av. Telephone OTICE-H. F. KESTER, 610 Virginia av., sani-

Old 'phone, Main 445; new, 9165. NOTICE—Get a free sample of Lippincott & Cree Company's Chill Sauce and Apple Butter at Food Show, Tomlinson Hall, this week. OTICE-Up-to-date FURNACES guaranteed to

heat. Tin and galvanized iron works. ROL-LYN HAWKINS, 114-116 Virginia av., the man he never sits on the fence. All advertisements inserted in these columns charged at the very low rate of 5 cents a Blank or dash lines at the same price per Telephone 238 and your ad. will be called

FRANK G. KAMPS, JR. fish and oyster market; prompt delivery. Alabama st. 'Phones: New 3347; old, Mair

NOTICE—The board of trustees of the Central Indiana Hospital for Insane will receive sealed proposals until Friday, Oct. 30, at 10 a.m., for tehing a full line of supplies for the month er, 1903. Estimate book will be on file Statehouse from and after Monday, et 25, 1903. By order of board of trustees.

FINANCIAL. INANCIAL-Insure with FRANK SAWYER. INANCIAL-The Western & Southern Life Ins. Co., Cin'ti, O. H. T. HEAD, Supt., 415 New-

INANCIAL-OANS-Money on mortgages. C. F. SAYLES & CO., 127 East Market street. INANCIAL-5 per cent. money on Indianapolis city property, or on city property in any county town, or on farm property anywhere in Indiana; we use our own funds; no delay; partial call or address C. N. WILLIAMS & O., 8-10 E. Market st.

MEDICAL.

BLISS NATIVE HERBS Sold at 255 West Washington street.

STORAGE.

TORAGE - The Union Transfer and Storage corner East Ohio st. and Union only first-class storage solicited. Crating and packing. 'Phones 725.

TO LET-ROOMS.

FOR RENT-A nice furnished house, 10 rooms tern: parties leaving city; 6 blocks from affice; answer quick if want bargain. Adess Lock Eox 323, city.

LEGAL ADVERTISEMENTS. NOTICE OF RECEIVER'S SALE. otice is hereby given that the undersigned

ter S. Bent, receiver of the Pendleton Star order of the Wabash Circuit Court, on the day of October, 1903, at Wabash, Ind., beween the hours of 9 a. m. and 4 p. m. and from day to day thereafter until sold, offer for ale at private sale to the highest bidder all the roperty of said Pendleton Star Manufacturing described as follows: All real estate in Wabash and Madison coun-State of Indiana, and all buildings thereon stuated, all machinery, supplies, office fixtures, atents, gas and gasoline engines completed in process of construction, foundry and

equipments and supplies and patterns. This is one of the most complete gas and gaso line engine manufacturing plants in the country. me-third cash, one-third in six (6) months, ne-third in twelve (12) months, with approved

Receiver Star Manuracturing Company.

WALTER S. BENT.

JOURNAL BUSINESS DIRECTORY.

BERTERMANN BROS New No. 241 Mass. av., 228 N. Del. st. Tel. 840. PATENT ATTORNEY-T. R. BELL, mechanical engineer, patent attorney. In above cacept those guaranteed by thorough knowledge of patent practice, technical training, honesty and care, beyond which no special advantages exist. 49 and 50 Ingalls Bldg. MONUMENTS-LOUIS P. KRUMSHIELD; qual-

ity and skill. 212 East Ohio. SALE AND LIVERY STABLES-HORACE WOOD. (Carriages, Traps, Buck-25 Circle. Tel. 1007. THE PEERLESS FOUNDRY, 710-18 E. Maryland, manufactures stove repairs and do repair-

FOR SALE-MISCELLANEOUS.

FOR SALE-Get a free sample of Lippincott & Cree Company's Chili Sauce and Apple Butter at Food Show, Tomlinson Hall, this week.

A CARD LIKE THIS Every Sunday for one year costs but \$1.35 per month. The Journal want page is profitable to the advertiser and reader.

FOR SALE-The latest map of Indiana and the 1900 census; prepared especially for the Journal by George F. Cram, the famous map publisher; size, 30x46 inches, on strong map paper; tin rods at top and bottom; embracing a handsome fivecolor map of Indiana on one side, corrected to date, showing all railroads, all new postoffices, counties in colors, railroad stations and all natura' features; a marginal index showing 1900 census and alphabetically arranged list of towns, etc.; the other side contains a five-color map of the world and the United States; 50 cents, postpaid. Inquire of any agent of the Journal or address MAP DEPARTMENT, the Journal, In-

WANTED-MISCELLANOUS.

WANTED-500 business cards for 50 cents. POW-ELL, the Printer, 18 W. Market st. WANTED-Get a free sample of Lippincott & Cree Company's Chili Sauce and Apple Butter at Food Show, Tomlinson Hall, this week.

PHYSICIANS.

PHYSICIAN-Dr. J. B. Kirkpatrick, specialist; female, rectal and genito-urinary diseases; consultation free. 31 E. Ohio st.

FOR RENT.

FOR RENT-Choice costumes for Halloween. R. KINKLIN, 20 Pembroke Arcade

MEETING GUARANTEES THE BONDS OF THE CENTRAL INDIANA.

The Goulds Planning to Compete for Business with the Southern Pacific -General and Personal.

At the annual meeting of the stockholders of the Cleveland, Cincinnati, Chicago & St. Louis Railway at Cincinnati on Wednesday there were 56,810 shares of preferred and 210,707 shares of common, or a total of Delaware st. Lady attendant. Both 'Phones 411. | 267,517 shares of stock voted, re-electing the following directors for three years: W. K. Vanderbilt, Chauncey M. Depew, J. Pierpont Morgan and Melville E. Ingalls. The directors' meetings are held in New York, where the old officers will soon be re-

elected On three resolutions the affirmative vote was 267,217, of which 56,710 was preferred and 210,507 common, guaranteeing \$3,000,000 of bonds of the Chicago, Indianapolis & St. Louis short line, \$2,000,000 of bonds of the Central Indiana Railway and \$300,000 of bonds of the Springfield Union Depot. Outside of W. W. Brown, L. E. Osborn and George H. Ingalls, the only stockholder present was William Dozier, of Mattoon, Ill., who owns one share out of the 267,517 voted, and for his benefit Secretary E. F. Osborn read the annual report, which was submitted in printed form, having been previously presented to stockholders. At the annual meeting of the stockholders of the Cincinnati Northern Railway at Cincinnati the following directors were elected; Melville E. Ingalls, E. F. Osborn, C. E. Schaff, F. W. Whitridge and George R.

Gould's Big Plans.

Within sixty days, it is stated by Eastern papers, a new line of steamships will be in operation between New Orleans and Philadelphia, backed by the Gould Railroad interests, and a similar statement was positively made by the New Orleans Board of Trade committee, which has been working in conjunction with the commercial bodies of Philadelphia to bring about an all-water route between Philadelphia and the Mississippi valley. The real significance of this is that the Gould interests have determined to enter into direct competition against the Pacific and the Morgan interests with steamship lines for continental business. George J. Gould has sent a letter to Chairman Luce, of New Orleans, in which he stated that his system of roads has under way improvements which will call for the expenditure of over \$40,000,000. and the bulk of the money will be spent in the Mississippi valley.

Personal, Local and General Notes.

The surgeons on the Wabash will meet in St. Louis in annual session Nov. 12. The Nickel-plate officials will move into their new offices at Cleveland on Monday. The Wabash on Monday began hauling its of granting a franchise. Continental limited train with New Atlantic type of locomotives.

The Cincinnati, Hamilton & Dayton will, on Sunday, run an excursion from Cincinnati to Decatur, the last of the year. Charles Watts, general superintendent of passenger traffic of the Pennsylvania lines west, left Stony Creek, Va., last night, on

a two weeks' hunting trip. T. J. Ratler, agent of the Baltimore & Ohio at New Concord, O., has resigned and been appointed dairy freight agent, with headquarters at Sloux City, Ia. The earnings of the Wabash for the third week of October increased \$53,000 over

the corresponding week of last year and the increase since June 30 is \$1,093,000 The annual reunion and conference of freight and passenger officials of the Santa Fe will be held in Kansas City, Dec. 7, and it is expected all divisions will be represented.

Statistics just prepared show the net earnings of 114 roads from Jan. 1 to Aug. 31 to have been \$248,900,572, an increase over the corresponding period last year of

Passenger business in and out of Indianapolis the last few months has exceeded that of any former year, and it has had its effect on the baggage department, where from 2,000 to 3,000 more pieces have been handled monthly than ever before.

The Panhandle is so cramped for room for freight cars that it has decided to convert its passenger equipment yards, near the shops, into additional freight yards and construct two long sidings between the shops and Irvington for passenger car tracks. John Beckett, of Salt Lake, former district freight and passenger agent of the Denver & Rio Grande, died quite suddenly a few days since of acute pneumonia. He was one of the wealthiest passenger men in the country, owning large ranches in the

West. The thirty-first annual convention of the American Association of Traveling Passenger Agents will be held in New Orleans, beginning Nov. 10. On the trip through from New Orleans, and while in that city, many visits will be made to points of in-

A special train bearing the officials of the Hocking Valley line will leave Columbus, O. on Monday, Nov. 9, and put in the entire week inspecting the property. The inspection will include the Zanesville & Western, the Kanwaha & Michigan, and the southern terminal of the road.

General Passenger Agent Calloway, of the Soo line, is spending a few days in New York city, for what purpose is something he does not disclose, but it is thought it is in connection with the forthcoming conference between Eastern and Western lines on immigrant traffle. Chief Engineer Wallace, of the Illinois

Central, in company with division superintendents and roadmasters, yesterday began a four days' inspection trip inspecting tracks from Chicago to Omaha and from Omaha to Memphis. The six succeeding days will be devoted to inspection from

Memphis south. It is stated that the Chicago, Burlington & Quincy has increased 25 per cent. in gross and 38 per cent, in net earnings since the Northern Securities merger, while the Chicago, Milwaukee & St. Paul, practically I tain of his football team.

per cent. This result is credited to econoin the same territory, has increased but 13

mies in operation. Traffic officials of the various lines making up the Rock Island system will meet in Chicago or Friday to arrange for general consolidation of the agencies of the Rock | IT IS BROKEN UP BY SENDING FOUR Island, St. Louis & San Francisco, the Choctaw, and the Chicago & Eastern Illinois, and in the near future there will be but one office in each of the large citles.

Traffic and operating officials of the Pennsylvania lines west will meet in Pittsburg W. Maurice Fitzgerald Seeks Posses-Nov. 4 to take up the question of schedule changes for the winter season. The meeting will be presided over by General Manager G. L. Peck. It is understood that comparatively few changes in the schedule of the through trains will be made. The Missouri Pacific is still making record-breaking earnings. The first three weeks of this month the system's gross earnings show an increase of \$171,000. One day last week the company loaded or received from connections 3.116 cars, the largest number ever loaded and received in any single day in the history of the com-

Passenger officials state that at no time has the prospect been so encouraging for the adoption of a uniform contract railroad ticket. Progress in this direction has been made by the Central Passenger Associacommittee appointed by the various associations to prepare a uniform series of con-

The Monongahela division of the Pennsylvania, opened six weeks ago, is to be double-tracked, so heavy is the business developed on this piece of road. It has done much to relieve the congested condition of the southwest branches of the Pennsylvania and has given the Pittsburg & Lake Erie an opening into the great coal fields. During the last thirty days of business 30,000 cars were hauled. A. C. Mathers, president of the Mathers

Stock Car Company, has circulated among the railroad men and shippers a pamphlet in reply to the warfare which J. W. Midgley, of Chicago, is making on the private car interests of the company. He says his experience has shown that there is a great advantage in having a large sup-ply of well-kept cars to draw from at the great railway centers as occasion and business may require

The main track mileage of the St. Louis & San Francisco is now 3,810 miles, with 128 miles operated under agreement with other companies. The freight earnings for the year ending June 30 of all lines increased gross \$1.792,633.03, passenger earnings increased \$631,405.44, mail \$59,217, penses \$104,015.67, miscellaneous \$81,344.32; total increase, \$2.668,627.94. The company owned on June 20 586 locomotives, 387 passenger and 21,129 freight cars.

The Panhandle, the Big Four and the Vandalia are crowded with business and it is causing much anxiety on the part of shippers as well as the roads. With the approach of winter weather the locomotives will haul fewer cars and further curtail the movement. The Monon and the Lake Erie & Western are still handling business with a good deal of promptness. The Panhandle on Monday handled the heaviest traffic of any one day in its history, exceeding 1,600

A rate war between freight lines plying back and severely injured internally. Missouri points, which was settled some time ago, has been renewed, and the firstclass rate already has been cut 5 cents on the hundredweight. The regular rate, first | It Contains Some Caustic Criticism of class, to Missouri river points from this section is \$1.42 per 100 pounds; the reduction therefore brings the rate down to \$1.37, and applies to all kinds of merchandise. The trouble arose over a special rate between New York and Shreveport, La. Passenger officials of the Chicago, Rock

Island & Pacific state that during the past few years emigrants have flocked into Oklahoma and the Southwest by thousands. Several counties in Oklahoma have ten times as great a population as they had a year ago, in many cases the population increasing 5,000 in the last six months. Within the last few years the home-seekers have preferred the Northwestern States, notwithstanding the numerous advantages of the Southwest, but the tide has turned and settlers are looking to the South-

The annual meeting of the Toledo, St. Louis & Western Railroad was held in bard, Edwin Hawley, Charles H. Tweed, J. C. Brown, J. J. Emery, C. S. W. Pack-ard, Benjamin Norton and H. F. Hunting-out compulsion." All of these gentlemen live in New York except Mr. Norton and Mr. Packard. The latter is a Philadelphian. About 85 per cent. of the stock was voted.

Mrs. Hiram Seanor has won a notable victory over the Pennsylvania. Company by compelling it to purchase new curtains for the windows of her home. The Seanor home fronts along the Pennsylvania railroad, and its red window curtains proved a constant source of annoyance to trainmen who mistook them for danger signals and trains were frequently brought to a stop. The company insisted that the curtains be removed, but Mrs. Seanor replied that the curtains could only be removed by the company placing new green ones, which was done, and now trains no longer stop before that home.

Councilman J. D. Reilly, of Grafton, W. Va., voted for the granting of a franchise for the Wabash road, and, despite the fact that he had been an employe of the Baltimore & Ohio for fourteen years, on it becoming known that he so voted, he re-ceived, the following day, a note from his trainmaster by special messenger reading as follows: "Please send me by the bearer your card pass, switch key, book of rules and any other property you have belonging to this company." Mr. Reilly is said to have turned over the articles, accompanied by the following reply: "With due respect o you and the Baltimore & Ohio Railway Company, you can have bait, hook, line, sinker and all, and my resignation as a conductor on your line. I am not sorry for the vote I cast." In this connection it is stated that in a speech before the City Council General Superintendent Fitzgerald

Deadly Effect of Radium. Cleveland Moffett, in November McClure's. Radium has formidable powers of destruction, and can by its mere presence an-May 13, one instance among many: On days and then removed. The mice continued to eat and run about as usual until May 16, when the little ones began to lose the fur on their backs. On the 19th their backs were quite bare of fur, although their heads remained covered, which gave them the appearance of little white lions. On the 21st the little ones became blind, although they continued to eat well. On the 23d one of the little ones died. On the 24th three died. On the 25th the remaining two died. On the 5th of June both the parent mice became blind. On the 28th both the parent mice died. This was the work of a few grains of radium in a tiny glass tube. In another case two full grown mice were exposed continuously to the same quantity (five centigrammes) of radium for ten days. For nine days they remained perfectly well. although they showed fear, but on the tenth day they died without losing their fur. This experiment was repeated with another pair of mice under the same conditions, except that the radium used was only half as intense, and in this case the mice died in twenty-two days and twenty-six days, respectively, and on the twentieth day they began to lose their fur.



Smith-Skid's son's education has cost Brown-Well, he's just been amply repaid. Smith-How so?

Brown-His son has just been elected cap-

TO THE REFORMATORY.

sion of His Child-Agnes St. John's Suit-Other Court Cases.

Judge Alford, of the Criminal Court, yesterday sentenced four colored boys-Wilbur Saines, James Warmack, Clem Jones and Orville Elzy, to the Indiana Reformatory for a term of from one to fourteen years on the charge of committing

petit larceny. These boys, the oldest one of whom is but seventeen years of age, had been systematically operating on the North Side tion accepting the recommendation of the for about a year. Patrolman Lee, who arrested them, stated at the trial that the boys robbed houses by day and snatched pocketbooks by night, their specialty being to snatch purses from women on street cars. The method of procedure was simple. A member of the gang would hang on the closed side of the car, and inserting his hand through the screen, would snatch a woman's purse and drop off the car and run before the car could be stopped and the passengers start in pursuit. The boys operated on all the lines in the northern part of the city, but most of their work was directed to the North Senate avenue

AGNES ST. JOHN SUES.

Peculiar Allegations in Claim Against

Railroad Companies. Agnes St. John, in a \$15,000 damage suit filed yesterday in the Superior Court against the Lake Erie & Western Railroad Company and the Lake Shore & Michigan Southern, makes unusual charges against

The complaint recites that Mrs. St. John, with her baby, took passage on one of the defendant's excursion trains at Chicago en route for Indianapolis on Sept. 21, 1902. She placed her baby on one of the seats and stood near it. Owing to the failure of the complain defendants to furnish enough coaches the Room 3. coach in which the plaintiff was riding was In order to protect her baby "from the fury and recklessness of the mobilized passengers," the plaintiff was bending over the seat when a large woman came up to her and demanded the seat which was occupied by the child, at the same time throwing the back of the seat down, the defendant companies having negligently failed to lock the back. The back in falling struck the child on the head, rendering it unconscious. The plaintiff was struck in the abdomen by the falling of the

BRIEF IN CHASE CASE.

Judge Rabb. The brief of the petitioner in the proceedings brought in the Supreme Court against Judge Rabb, in the name of Moses Fowler Chase has been filed. The brief insists that young Chase was sane enough to be competent to transact business when he was "abducted" from Paris by his father. The brief argues that the respondent, sitting as judge of the Benton Circuit Court, has committed many errors in the trial of this case. "It is almost beyond belief," the brief says, "that a trial judge would so use his judicial position and power as to throw serious obstacles in the way of parties litigant obtaining in his court a new trial of the cause or an Allen C. C. Petition and affidavit of F. appeal from the judgment of his court." In closing, the brief says: "We have endeavored in this brief to so present the Frankfort, Ind., Wednesday, and the old | matter as to convince this honorable court board of directors was re-elected without | that the ends of justice can be best subopposition. The board as constituted is as | served by granting the relator his prayer follows: William A. Read, chairman; F. | for a mandate commanding respondent to P. Olcott, Henry Rudge, Thomas H. Hub- do and perform the very things he should

COSTS PILE UP.

Louis Taylor Receives a Verdict for

One Cent Damages. After deliberating from 2 o'clock Tuesday afternoon until 11 o'clock yesterday morning, the jury that tried the \$5,000 damage suit of Louis Taylor against Clifton C. for the failure of his superintendent to Couck, a city patrolman, Carl Waggoner and the three Harmoning boys, in Judge Leathers's Court, returned a verdict of 1 cent damages against the defendants. Taylor is the old colored civil war veteran whom the defendants, as it charged, chased about two miles on the bers of a benevolent fraternal association South Side and finally caught him in a are bound by and must be held to a knowlbarb wire fence, because he had been watching a crap game on a commons on by the by-laws of such association non-Le Grand avenue. The case lasted three days in Judge Leathers's court and cost about \$85 a day, making a total of \$255 for time he is called upon to pay an assess-the three days. These costs are assessed ment either to pay within the stipulated the three days. These costs are assessed against the defendants. The case was tried six months ago and judgment was rendered for the defendants and at that time the costs of the trial amounted to about \$250.

COSTLY VISIT TO A SALOON.

It Landed Harry Moran in the Indiana

Harry Moran, who was tried in the Criminal Court on May 6, 1903, on a charge of missioners Benton county. Benton C. C. ild be having stolen a pocketbook from an inmate Appellee's petition and notice for leave to sorry that they cast their votes in favor of a resort, and who was allowed to go on suspended sentence during good behavior. was yesterday brought before Judge Alford and sentenced to the Indiana Reformatory for a term of from one to fourteen years for the theft. Judge Alford, when he allowed Moran to go on suspended sentence, told him that he must not frequent sanihilate animal life or plant life. Here is loons or associate with bad characters, and that if he did he would be rearrested and 1903, a little chloride of radium (five cent- | sentenced. Moran was arrested in a saloon igrammes) was suspended over the cage of | Monday night for attempting to start a eight white mice, two parent mice and six fight, and Judge Alford ordered him to of errors. Notice to Hamilton county. Aplittle ones, and was left there for three appear before him yesterday morning, when | pellant's brief (8.)

sentence was pronounced. FITZGERALD WANTS HIS CHILD.

Habeas Corpus Proceedings Against

Matron of Orphan Asylum. W. Maurice Fitzgerald yesterday filed a petition for a writ of habeas corpus before Judge Leathers, of the Superior Court. asking that Carrie Thrall, matron of the Indianapolis Orphan Asylum, be compelled to release his daughter, Arvilla May Fitz-

gerald, from that institution. The petition states that the petitioner's wife left him some time ago, taking the little girl with her, and has since kept the whereabouts of Arvilla unknown to Fitzgerald. Through friends Fitzgerald located the little girl in the orphan asylum. He charges that his daughter's restraint is garded as within the proper scope of the illegal and wrongful, for the reason that | police power of the State, and that anyone he is her father and is a proper person to have the care and custody of her.

Failed to Pay Assessment.

The Appellate Court yesterday reversed the Vanderburg County Court, which gave judgment for \$1,000 to Mrs. Addle R. Marshall, of Evansville, Mrs. Marshall sued | Rep., 646, it was held that a court of the order of United Workmen to enforce the payment of an insurance certificate held by her late husband, Charles E. Marshall. The higher court reversed the lower court because Marshall had failed to pay an assessment of 72 cents.

Jacob Schulmeyer, saloon keeper, failed to

Jacob Schulmeyer in Contempt.

appear in the Police Court yesterday when of probable injury. his case for violating the Nicholson law was called and Judge Whallon ordered his arrest for contempt of court. His case has been pending in the Police Court for over a disposed of in some manner.

Voluntary Petition Filed. A voluntary bankruptcy petition was filed

in the Federal Court yesterday by Otto D. Kendricks, of Hayden, Ind. He has been engaged in mercantile business under the name of Kendricks Brothers. His debts amount to \$19,530.49 and his assets to \$9,101.42. THE COURT RECORD.

SUPERIOR COURT.

Room 1-John L. McMaster, Judge.

Seward Lemon et al. vs. Indianapolis Street-railway Company et al.; damages, On trial by jury. Room 2-James M. Leathers, Judge.

against all defendants and assesses his damages at 1 cent.

Room 3-Vinson Carter, Judge. Harry Harvey, by next friends, vs. Indianapolis Street-railway Company; damages. Jury returns verdict for defendant. Judgment against plaintiff for next friend Joseph W. Selvage vs. Charles C. Kistner;

commission. On trial by jury. CIRCUIT COURT. Henry Clay Allen, Judge. Ida Pershat vs. John Wallace; damages. Submitted to jury. Evidence heard in part.

CRIMINAL COURT. Fremont Alford, Judge. Wilbert Gaines, Orville Elzy, James Warmack and Clem Jones; petit larceny. State of Indiana files a nolle prosequi because defendants are sentenced in another cause. Motion sustained. Charles Roberts; public indecency (City

Court.) Defendant, by counsel, files a motion for a continuance. Motion overruled. Harry Moran; grand larceny. Suspende sentence is set aside and defendant is fined \$1 and imprisoned in the Indiana Reformatory one to fourteen years and disfranchised one year. Age, eighteen years. Darby Gruly; petit larceny. Defendant withdraws his plea of not guilty and enters a plea of guilty. Fined \$1 and costs and imprisoned six months in the workhouse. Starr Flynn; delivering liquor to a minor. Evidence concluded. Finding of guilty. Fined \$20 and costs and imprisoned twenty days in the county jail. Wilbert Saines, James Warmack, Clem Jones; petit larceny. Defendants withdraw

their plea of not guilty and enter a plea of guilty. Saines's age, seventeen; Warmack's age, sixteen; Jones, sixteen. Each fined \$1 and imprisoned in the Indiana Reformatory from one to three years and each disfranchised one year. Wilbert Saines, Orville Elzy, James Wat mack, Clem Jones; petit larceny. Defendant Elzy enters a plea of guilty to the charge. Age, seventeen. Fined \$1 and imprisoned in the Indiana Reformatory from one to three years. Two counts against the other defendants are nollied.

NEW SUITS FILED. Kate Jackson vs. Jesse Jackson; divorce. Circuit Court. William Johnson vs. Indianapolis Traction and Terminal Company; complaint for dam-Superior Court, Room 1. W. Maurice Fitzgerald vs. Carrie Thrall, matron of Indianapolis Orphan Asylum: petition for writ of habeas corpus. Superior Court, Room 2. Agnes St. John vs. L. E. & W. Railroad Company et al.; complaint for damages. Superior Court, Room 3. Caroline Hildebrand vs. Charles Sherman complaint on judgment. Superior Court,

HIGHER COURTS' RECORD.

SUPREME COURT. Mendenhall vg. Glass Co. Howard Dismissed. Jordan, J.-Where the amount in controversy is within the jurisdiction of a justice of the peace and the construction of a statute, etc., is not in question, there is no appellate jurisdiction in this court.

20194. Bowlin vs. Cochran. Tipton C. C. Advanced and ordered that all briefs be filed within fifteen days. Adams Express Co. vs. State. Jack-C. Rehearing denied. 19935. United States Express Co. vs. State. Jackson C. C. Rehearing denied. 19936. Adams Express Co. vs. State. Jackson C. C. Rehearing denied. 19937. Adams Express Co. vs. State. Jackson C. C. Rehearing denied. 20111. Parker vs. State. Sullivan C. C. Transferred to Appellate Court.

20158. Winfield T. Durbin et al. vs. Northwestern Scraper Company et al. Delaware C. C. Brief of appellee Flester 20171. State of Indiana vs. George Kratzman. Tippecanoe C. C. Appellee's brief (8.) 20202. State of Indiana ex rel. Fowler Chase vs. Joseph M. Raff. Original action. Petitioner's brief (8) on demurrer. Henry W. Mordhurst vs. the Fort Wayne & Southwestern Traction Company.

Gavin to file brief granted and brief to be

filed on or before Nov. 14, 1903. APPELLATE COURT. 4555. City of Linton vs. Smith. Greene C. C. Affirmed. Roby, J.-1. In charging a city with knowledge of the dangerous condition of a sidewalk, it is sufficient to allege that the city had notice of the dangerous condition thereof for a long time prior to the date of the accident which happened on account thereof. 2. Notice is not a conclusion, but an ultimate fact. 3. A new trial will not be granted on account of newly discovered cumulative evidence. ecmparatively few sold of any kind above \$150. 4301. Parkhurst vs. Swift. Madison S. C. Affirmed. Black, J.-1. The mere fact that a and the medium to good chunks and drivers sold usually from \$100 to \$140, with smaller and less superintendent of work in a factory per-forms manual labor along with the other employes does not render him any the

less superintendent or sole representative of the master. 2. A master is responsible provide a safe place for employes to work.

3. In an action for damages on account of a personal injury, plaintiff need not plead want of contributory negligence. 4437. Grand Lodge vs. Marshall. Vanderburg S. C. Reversed. Wiley, J .- 1. Memedge of its constitution and by-laws, 2, If payment of an assessment operates as a forfeiture, the member must elect every time or suffer the penalty of loss of membership and to benefits by neglecting or refusing to pay within the time 4420. Howe vs. White. Allen C. C. Rehearing denied. 5033. C. & E. R. R. Co. vs. Lain. Fulton C. C. Leave granted appellee to file brief.

-Minutes.-4894. Indianapolis Street-railway Company vs. Charles E. Taylor. Hancock C. C. Appellee's brief (8.) 4844. George L. Roby vs. Board of Com-4941. Moses F. Dunet vs. City of Bloomington. Lawrence C. C. Appellant's dis-4934. P., C., C. & St. L. Railway Company vs. David Brough. Porter C. C. Appellant's brief (8.) 4949. William M. Covault vs. Nancy Sanders. Wells C. C. Appellee's brief (8.)

-New Suits.-5000. William R. Raborn vs. Jesse Woods et al. Madison S. C. Record. Assignment 5036. John J. Parker vs. State of Indiana. Sullivan C. C. Transferred from Supreme Court No. 20111. 5037. The New American Oil and Mining Company vs Lucy M. Trayer et al. Grant C. C. Record. Assignment of errors. Separate assignment of errors (2.) 5058. The New American Oil and Mining Company et al. vs. Solomon Wolff et al. Grant C. C. Record. Assignment of errors. Separate assignment of errors. 5039. Frank R. Taylor vs. School Town of Petersburg. Pike C. C. Record. As-

signment of errors. Notice. RECENT LEGAL OPINIONS.

-Enjoining Maintenance of Cemeteries .-In Palmer vs. Hickory Grove Cemetery, 82 New York Supplement, 973, it was held that cemeteries are universally rewho is especially injured or is threatened with injury by reason of the maintenance of a cemetery has a right to question the legality of the step taken by the corporation in pursuance of the powers granted, and to have the aid of the court in preventing any unlawful act by which this right may be prejudiced. In Braasch vs. Cemetery Association, 95 Northwestern \$5,1565.45. equity will enjoin the use of a tract of land for cemetery purposes so situated that the burial of the dead there will injure life or health, either by corrupting the surounding atmosphere or the water of wells or springs. But it was further held that a burial ground near dwellings is not necessarily a nuisance, and the court will only interfere and enjoin its use on clear and convincing proof -Question as to the Proper Conduct of a Trial.-

In Jones vs. State, 44 Southwestern, Rep., 877, it was held that it was not improper month and the judge says it is time it was | for the judge, for the purpose of informing himself as to the probability of the jury being able to agree upon a verdict, to inquire of the individual jurors as to whether here was any likelihood of an agreement. When the judge is informed by some of the jurers that there is no likelihood of an agreement, and by others that it is doubtful whether an agreement can be reached, it is not error for the judge to say: "Well, you are sensible men. I do not wish to force you to make a verdict, but I will stay with you to-day. Retire to your room and see if you can agree upon a verdict." - Soldiers' Wills .-

The recent war in South Africa is responsible for some additions to the small number of actual decisions on the subject of soldlers' wills. In the latest case it appears that the colonel of a regiment on active service instructed his officers to ascertain Taylor vs Harmoning et al.; damages, from the men the names of their next of Jury returns verdict in favor of plaintiff as kin and how they wished to dispose of their AMUSEMENTS.

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effects in the event of their death. One private made the following declaration, which was reduced to writing: "In the event of my death in South Africa, I desire all my effects to be credited to my sister. N. N." It was contended that the man did not understand what he was doing and was merely obeying orders; but the court held that the declaration was valid as a soldier's will. Whether the deceased man, however, intended to dispose of all his property or only of his medals and odds and ends of portable property, is a question which the court left open for future consideration. London Law Journal.]

-Insurance Policies-Owenership of Property.-The Supreme Court of Appeals of Virence of a mortgage on property insured does not violate a condition of the policy of insurance providing that the entire policy shall be void "if the interest of the insured be other than uncondition sole ownership, or if the subject of insurance be personal property, and be or be-come encumbered by a chattel mortgage." [44 Southeastern Rep., 896.]

THE LIVE STOCK MARKETS.

(CONCLUDED FROM PAGE ELEVEN.) Sheep-Receipts, 300; shipments small. Continued small receipts and good quality was re-sponsible for an active market for sheep and lambs to-day, although buyers were not in the field. There was an easy outlet for the offerings, and sales were usually at stronger prices com-pared with those prevailing for the past few days. Considering quality, there was probably not a great deal of advance, but the sales to-day indicated that most of the loss in prices at the close of last week had been regained. A few bunches of lambs were sold as high as \$5.50, and there were scattering sales at \$5@5.25, and less desirable kinds sold at \$4.50. Yearling sheep sold as high as \$4, the best old sheep at \$3.25 and others at \$2.50@2.75. Bucks were reported at \$2.50@2.75. A prompt clearance was made and the market closed apparently in a healthy condition. Quotations: common to best yearlings..... 3.

Good to choice sheep..... Fair to medium sheep tockers and feeding sheep .. Horses-Nearly 150 horses arrived for the closng auction saie this week, against less than 100 the same time last week and nearly 200 the corresponding time a year ago. The quality, condi-tion and class of horses consigned did not differ materially from those sold in the opening sale this week, which means that most of the offerquality. There was a fair crowd of buyers, and, while there were apparently no urgent orders, the bidding was reasonably active and there was a little more life in the trading than a week ago. Prices, as a rule, were fully steady, but not perceptibly higher. Extra good draft and coach horses sold as high as \$200, but there were

desirable horses at \$35@90.

Elsewhere. KANSAS CITY, Oct. 28.-Cattle-Receipts, 17,400 quarantine steady to weak; cows and helfers ower; stockers and feeders sharply lower; bulls steady. Choice export and dressed beef steers, \$4.50@5.40; fair to good, \$4@4.50; stockers and feeders, \$2@4; Western fed steers, \$3.50@4.60; Texas and Indian steers, \$2.65@3.40; Texas cows, 2@3; native cows, \$1.50@4; native heifers, \$2.25@5; canners, \$1@2.30; bulls, \$2.10@2.75; calves, \$2.50

Hogs-Receipts, 7,000. The market was slow and 10@15c lower. Top, \$5.50; bulk of sales, \$5.15 @5.40; heavy. \$5.05@5.30; mixed packers, \$5.25@5.40; light, \$5.10@5.45; Yorkers, \$5.40@5.45; pigs, Sheep—Receipts, 9,000. The market was steady. Native lambs, \$3.25@5.20; Western lambs, \$2.90@5.10; fed ewes, \$2.30@3.75; Texas clipped yearlings, \$2.50@4; Texas clipped sheep, \$3.40@2.75; stockers and feeders, \$2@2.50. EAST BUFFALO, Oct. 28.-Cattle-Receipts, 6 cars. Market steady; trade light. Prime steers, \$3.40@4.25. fair to good helfers, \$3.75@4.25; bulls, fair to choice, \$3.75@4.10; stockers and feeders, \$3.50@4.25; milkers and springers, \$25@60. Veals and Calves—Receipts, 117. Market active and stronger. Top veals, \$3.2568.50; fair to good, \$7.50@8; light thin veals, \$5.66.75; heavy fat calves, \$3.75@4.75; skimmers, \$3.63.50.

Sheep and Lambs—Receipts, 24 cars. Market active and stronger on lambs; sheep steady and firm. Choice lambs, \$5.75@5.85; fair to good.

\$5.50@5.65; cull lambs, \$4.65; choice wethers, \$4.60.

4.25; export ewes, \$3.50@3.85; fair to good mixed.

\$1.25; export ewes, \$3.50@3.85; fair to good mixed sheep, \$3.75@4; culls, \$1.75@3; yearlings, \$4@5. Hogs—Receipts, 30 cars. Market steady. Yorkers, good to choice, \$5.95@6; pigs, \$5.90@6; heavy and medium, \$5.90@6; mixed, \$5.90@6; rough, \$4.75@5; stags, \$4@4.50; dairies and grassers, \$5.65@5.90. PITTSBURG (Union Stockyards), Oct. 28.—Cattle—Receipts, 170. Market lower. Choice, \$5.35@ 5.50; prime, \$4.50@5.25; good, \$4.60@5; tidy, \$4.25@ 4.60; fair, \$3.40@4; common, \$2.50@3.25; common to good fat bulls, \$2.25@3.75; heifers, \$3@4.20; good fresh cows and springers, \$40@45; common to fair, \$15@35; best calves, \$7@7.75. Sheep and Lambs-Supply fair; 25 loads. Market dull and lower on sheep; steady on Prime wethers, \$3.60@3.75; good mixed, \$3.25@3.50; fair, \$2.60@3; culls and common, \$1.50@2; choice lambs, \$5.30@5.50; fair to good, \$4.85@5.25; com-Hogs-Receipts, 15 double decks. Market lower. Prime heavy, \$5.90@4.95; medium, \$5.90@6; heavy Yorkers, \$5.85@5.90; light Yorkers, \$5.80@ 5.85; pigs, \$5.60@5.80; roughs, \$4@5.50. NEW YORK, Oct. 28.-Beeves-Receipts, 3.134. Steers slow and 10@20c lower; bulls strong; thin ows unchanged; fat cows easier. Steers, \$3.45@ .20; oxen and stags, \$3@4; bulls, \$2.25@4; cows, \$2.20@2.20; calves steady. Exports, 5,850 quarters of beef; to-morrow, 467 cattle. Calves-Receipts, 1,643. The market was steady to strong. Veals, \$4.50@8.75; extra, \$9; little calves, \$2.50@4; grassers, \$2.50@3; Northwestern

Sheep and Lambs—Receipts, 8,087. Sheep steady; lambs 10@20c higher. Sheep, \$2.25@3.65 culls, \$4@4.50; no sales of Canadian lambs re-Hogs-Receipts, 6,952. The market was a trifle easier. Good state hogs, \$6.10@6.25. CHICAGO, Oct. 28.-Cattle-Receipts, 25,600, by luding 6,000 Westerns. Good to prime steers, \$5.35@5.80; poor to medium, \$3.50@4.75; stockers and feeders, \$2.25@4.35; cows, \$1.35@4.30; heifers, \$2@5; canners, \$1.35@2.45; bulls, \$2@4.50; calves, \$2@6.75; Texas fed steers, \$2.75@3.50; Western steers, \$3@4.56. Hogs-Receipts, 28,000; to-morrow, 22,000. market was 10@15c lower. Mixed and butchers, \$5.20@5.50; good to choice heavy, \$5.20@5.50; rough heavy, \$4.85@5.15; light, \$5.10@5.45; bulk of sales,

Sheep-Receipts, 30,000. Sheep steady to 10c

lower; lambs steady to lower. Good to choice

Western sheep, \$2.25@3.60; native lambs, \$3.25@

ST LOUIS, Oct. 28 .- Cattle-Receipts, 7,500, in-

wethers, \$3623.65; fair to choice mixed, \$263;

5.65; Western lambs, \$3.50@5.25.

city dressed veals, 8@13c per lb; country dressed,

duding 5,000 Texans. The market was generally Native shipping and export steers, \$4.50 85.45; dressed beef and butcher steers, \$4.25@ 5.25; steers under 1,000 lbs. \$3.40@5; stockers and feeders, \$2.75@3.75; cows and helfers, \$2.28@4.35; canners, \$1.5002.10; bulls, \$2.4002.75; calves, \$10 5.50; Texas and Indian steers, \$2.35@3.35; cows and heifers, \$2672.85. Hogs-Receipts, 8,500. The market was lower Pigs and lights. \$5.35@5.45; packers, \$5.10@5.35; butchers and best heavy, \$5.30@5.50. Sheep-Receipts, 2,300. The market was steady

strong. Native muttons, \$3@3.65; lambs, \$4.50

5.50; cuils and bucks, \$2.25@4; stockers, \$2@ SOUTH OMAHA, Oct. 28 .- Cattle-Receipts, Market steady. Beef steers, \$3.75@5.40; and heifers. \$3@4.10; Western steers, \$3.15 24.40; Texas steers, \$2.75@3.65; range cows and neifers, \$2.25@3.10; stockers and feeders, \$2.50@4; calves, \$3@5.25. Heavy, \$5@5.15; light, \$5.20@5.35; pigs, \$4.80@5.20 Receipts, 15,000. Market steady. Sheep, \$2@3.70; lambs, \$4@5. LOUISVILLE, Oct. 28.-Cattle-Choice to prime shipping steers, \$4.40@4.60; medium to good hipping steers, \$4.25@4.49; choice butcher steers,

\$404.25; choice veals, \$5.50@6.25. Hogs-120 lbs and up, \$5.40; 90 to 120 25; roughs, \$4.50974.90. Sheep and Lambs-Best sheep, \$2.75@3; prime lambs. \$4.5000 CINCINNATI, Oct. 28.-Hogs active at \$4.800 AMUSEMENTS.

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Time Table Effective Sept. 28, 1903. For Richmond, New Castle and intermediate stations. Passenger cars leave on the following hours: 6:57 a. m., 8:57 a. m., 10:57 a. m., 12:57 p. m., 2:57 p. m., 4:57 p. m., except Sunday, when cars leave every hour from 6:57 a. m. until For Greenfield, Knightstown and intermediate stations. Passenger cars leave: First car a 5:57 a. m. and each hour thereafter until 9:57 m. Next and last car leaves at 11:15 p. m.

Combination passenger and express cars leave at 5:57 a. m., 7:57 a. m., 11:57 a. m., 3:57 p. m. and 7:57 p. m. -Freight Cars .-For Greenfield and intermediate stations only Arrive at 7:50 a. m. and leave at 9 a. m. Als arrive at 2:20 p. m. and leave at 3:30 p. m.

INDIANAPOLIS, SHELBYVILLE & SOUTHEASTERN TRACTION CO. Cars leave Indianapolis for Shelbyville and all intermediate stops from the corner of Washington and Meridian streets on the following hours: 6, 7, 8, 9, 10, 11 a. m., 12 o'clock noon and 1, 2, 4, 5, 6, 7, 8, 9 and 11:20 p. m. Cars leave Shelbyville for Indianapolis and all termediate stops as follows: 4:57, 6:57, 6:57, 57, 8:57, 9:57, 10:57, 11:57 a. m. and 12:57, 1:57, 5:57, 3:57, 5:05, 5:57, 6:57, 7:57, 8:57 and 11:20 p. m. Round-trip tickets, Indianapolis to Shelbyville, can be purchased at Huder's drug store, corner

Washington and Pennsylvania streets. INDIANAPOLIS & MARTINSVILLE RAPID TRANSIT CO.

Waiting room and station, 47 Kentucky avenue.

First car leaves from in front of No. 47 Kentucky avenue for Martinsville and intermediate stations at 5:30 a. m. and every hour thereafter. on the half-hour mark, until 6:30 p. m. The car runs to Martinsville and the next and last car leaves at 11:30 p. m., running to Marting-Leaving Martirsville for Indianapolis and Intermediate stations, first car at 5:30 a. m. and every hour thereafter, on the forty-minute mark, until 6:40 p. m. The 7:40 p. m. car runs only to Mooresville, the 8:40 car to Indianapolis and the next and last car leaves at 10:40, running to in-Cars leave Mooresville for Indianapolis and Murtinsville at 5:30 a. m. Express cer arrives at Indianapolis at 7:48

a. m. and departs at 9:10 a. m.; also arrives at 1:48 p. m. and departs at 3:10 p. m. INDIANAPOLIS & NORTHWESTERN TRACTION CO.

General office, Lebanon, Ind. Indianapolts waiting room, ticket and freight office, 119 West Maryland street, Union block, Room 6. First car for Letanon leaves Indianapolis at m., arrives at Lebanon 7:10 a. m. and Frankfort 8 a. m., and every hour thereafter until 10 Last car for Lebanon leaves Indianapolis First through car leaves Frankfort at 6 a. m., arriving at Indianapolis at 8 a. m., and every hour thereafter until 10 p. m. First car for Indianapolis leaves Lebanon at 5:44 a. m., arriving at Indianapolis 7 a. m.

INDIANAPOLIS, COLUMBUS & SOUTH-ERN TRACTION COMPANY.

Passenger cars leave Pennsylvania and Washington streets for Southport, Greenwood, Whiteand Columbus. First car at 6 a. m. and every hour thereafter until 10 p. m. The last car leaves at 11:15 p. m. For points south of Franklin take cars leaving at 6, 8 and 10 a. m., 15 noon, 2, 4, 6 and 11:15 p. m. Sheep steady at \$1.75@3.25. Lambs strong at Georgia and Meridian streets for Greenwood enis at 3:20 a. m. and 3:30 p. m.